



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

190724



AUG - 6 2008

**PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Union Carbide Corporation  
39 Old Ridgebury Rd  
Danbury, CT 06817

Attn: Roger Florio, Esq.  
Environmental Counsel

Re: LCP Chemicals Superfund Site, Linden, Union County, New Jersey

Request for Information Pursuant to the Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. Section 9601, et seq.

Dear Mr. Florio:

This letter seeks your cooperation in providing information and documents relating to the contamination of the LCP Chemicals Superfund Site located in the Tremley Point section of the City of Linden, Union County, New Jersey (the "Site" or the "LCP Site"). The Site is an approximate 26 acre parcel of land consisting of Lots 3.01, 3.02 and 3.03 in Block 587 on the current tax map of and located in the City of Linden, N.J. All three Lots are currently owned by the City of Linden.

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, et seq. (also known as the "Superfund" law). For your information, a copy of the Superfund law may be found at [www.epa.gov/superfund/action/law/index.htm](http://www.epa.gov/superfund/action/law/index.htm).

EPA has documented the release and threatened release of hazardous substances into the environment at the Site. EPA is overseeing a cleanup action addressing the release and threat of release of hazardous substances, pollutants, or contaminants at the Site. This cleanup is being conducted pursuant to our authorities under the federal Superfund law.

Under Section 104(e) (2) of CERCLA, 42 U.S.C. Section 9604(e) (2), EPA has broad information gathering authority which allows EPA to require persons to provide information and/or documents relating to the materials generated, treated, stored, or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant, or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

We encourage you to give this matter your immediate attention and request that you provide a complete and truthful response to the attached Request for Information to EPA **within thirty (30) calendar days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with the attached Request for Information is required by law. When you have prepared your response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with a Request for Information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the attached information request, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site or may be responsible for the material stored at the Site, that information should be submitted within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information; it is necessary that you promptly notify EPA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §3501 et seq.

Your response to this Request for Information should be mailed to:

Frank X. Cardiello  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 17th Floor  
New York, New York 10007-1866

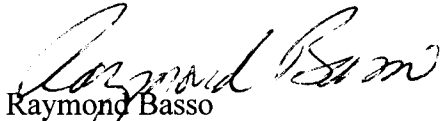
A copy of your reply should be sent to:

Jonathan Gorin  
New Jersey Remediation Branch  
Emergency Remediation and Response Division  
U.S. Environmental Protection Agency, Region 2  
290 Broadway, 19<sup>th</sup> Floor  
New York, New York 10007

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, you may call Mr. Gorin at (212)637-4361. Please direct all inquiries from an attorney to Mr. Cardiello at (212) 637-3148.

We appreciate and look forward to your prompt response to this matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Raymond Basso".

Raymond Basso  
Strategic Integration Manager  
Emergency and Remedial Response Division

Enclosures

## ATTACHMENT A

### INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

#### DIRECTIONS

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Request for Information. For each question contained in this letter, if information responsive to this information request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. Precede each answer with the corresponding number of the question and the subpart to which it responds.
3. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Request for Information. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state, among other things, the person or entity's full name and present or last known address.
4. Identify Sources of Answers. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
5. Inability to Answer or Provide Documents. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and telephone number and the reasons for your belief.
6. Documents. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion. If a document is requested but is not available, state the reason for its unavailability.
7. Continuing Obligation to Provide and to Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to Section 104(e) of CERCLA that you supplement your response to EPA.

8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and Section 3007(b) of RCA, 42 U.S.C. § 6927(b), and 40 C.F.R. Part 2.203(b). To prove your claim of confidentiality, each document must separately address the following points:
- a. the portions of the information alleged to be entitled to confidential treatment;
  - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
  - c. measures taken by you to guard against the undesired disclosure of the information to others;
  - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
  - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
  - f. whether you assert that disclosure of the information would be likely to result in substantial harmful effect on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp or type "CONFIDENTIAL" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit in separate envelopes both a clean and a redacted version of any documents or response for which you make a claim of confidentiality.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

9. Disclosure to EPA Contractor. Information which you submit in response to this Request for Information may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. Part 2.310(h), even if you assert that

all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Request for Information to one or more of its private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Request for Information. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Request for Information.

10. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
11. Objections to Questions. If you have objections to some or all the questions within the Request for Information letter, you are still required to respond to each of the questions.

## DEFINITIONS

The following definitions shall apply to the following words insofar as they appear in this Request for Information.

1. The terms "you," "yours," and "Respondent" shall mean the addressee of this Request and shall include the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns or agents.
2. The terms "your Company" or "Company" shall mean your company as it is currently named and constituted and all predecessors in interest of your company and all subsidiaries, divisions, affiliates and branches of your company or of its predecessors.
3. The term "UCC" shall mean the Union Carbide Corporation.
4. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
5. The term "Site" or the " the LCP Chemicals Superfund Site " shall mean the real property identified as Lots 3.01, 3.02 and 3.03 in Block 587 on the current tax map of and located in the City of Linden, N.J.; the Site is approximately 26 acres in size and is located in the Tremley Point section of the City of Linden, Union County, New Jersey.
6. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or

contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

7. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 C.F.R. Part 302.
8. The terms "hazardous waste" shall have the definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5).
9. The term "industrial waste" shall mean any solid, liquid, or sludge or any mixtures thereof which possess any of the following characteristics:
  - a. it contains one or more hazardous substances (at any concentration);
  - b. it is a hazardous waste;
  - c. it has a pH less than 2.0 or greater than 12.5;
  - d. it reacts violently when mixed with water;
  - e. it generates toxic gases when mixed with water;
  - f. it easily ignites or explodes;
  - g. it is an industrial waste product;
  - h. it is radioactive;
  - i. it is an industrial treatment plant sludge or supernatant;
  - j. it is an industrial byproduct having some market value;
  - k. it is coolant water or blowdown waste from a coolant system;
  - l. it is a spent product which could be reused after rehabilitation;
  - m. it is any material which you have reason to believe would be toxic if either ingested, inhaled, or placed in contact with skin; or
  - n. any pollutants or contaminants, any trash, garbage, refuse, containers, drums (regardless of contents or lack thereof) and/or any liquids, solids or sludges.
10. The term "identify" means, with respect to a natural person, to set forth:
  - a. a persons full name;
  - b. present or last known business and home addresses and telephone numbers; and
  - c. present or last known employer (include full name and address) with title, position, or business.
11. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address,

and affiliation with the individual and/or company to whom/which this request is addressed.

12. The term "entity" or "entities" refers to persons, individuals, companies, partnerships, or any other type of business association.
13. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
14. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
15. The terms "material" or "materials" mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
16. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
17. The term "pollutant or contaminant" includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents.
18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.



## ATTACHMENT B

### REQUEST FOR INFORMATION

1. Did UCC's products, raw materials, intermediates or waste materials, used, produced or generated when UCC was operating at the Site, contain mercury? Describe how much mercury these materials contained. Describe any and all procedures for handling, managing and disposing of such mercury.
2. Describe in detail:
  - a. How UCC removed mercury from the hydrogen gas supplied by LCP to UCC when UCC was operating at the Site.
  - b. The quantity of mercury removed.
  - c. How the mercury was stored after its removal from the hydrogen gas?
  - d. How UCC disposed of the mercury after its removal from the hydrogen gas.
  - e. Produce all documents regarding the removal, storage and disposal of the mercury.
3. Identify all employees that sold mercury removed from the hydrogen gas during the time UCC operated at the LCP Site. Produce all documents regarding the sale of the mercury.
4. Describe how hazardous substances were handled as a housekeeping matter, including, without limitation, how mercury or other substances were swept, wiped or cleaned off of equipment, floors or roofs during operations.
5. Provide process diagrams, Site drawings, sewer and waste water conveyance locations, discharge locations and other information showing the layout of the UCC leasehold in relation to the LCP Site as a whole during the time UCC operated at the LCP Site, identifying which parts of the Site were related to UCC and which to LCP.
6. Describe in detail any activities that UCC performed to install, operate, service and/or maintain the hydrogen storage tank and pipeline from LCP. Provide documentation related to these activities, and describe any releases, spills or disposal of hazardous substances associated with these activities.
7. Identify:
  - a. Where the septic tank or system was located on the UCC leasehold;
  - b. the period of time that the septic system was in operation;
  - c. the waste stream discharged into the septic system;

- d. how the septic system was decommissioned.
8. Describe any air emissions, including fugitive air emissions, from UCC's operations when UCC was operating at the Site, including:
  - a. the process or processes from which the air emissions resulted;
  - b. the constituents contained in each such air emission;
  - c. how and where these air emissions were discharged.
  - d. Identify any permits UCC obtained as a result of such air emissions.
9. Did UCC vent any of its building to the outside when it operated at the LCP Site?
  - a. If so, identify which parts of the building were vented;
  - b. why they were vented;
  - c. what was released from the vents;
  - d. what constituents were contained in any air emissions released from the vents?
10. Did UCC utilize any tanks or vessels at its leasehold or the Site including, without limitation, the two 4,000 gallon underground storage tanks, the 1,000 gallon underground storage tank, the hydrogen bladder storage tank, septic tank or leachfield or any other tank or vessel located at the Site? Identify:
  - a. the tanks or vessels;
  - b. what was stored in them;
  - c. the processes or tasks for which UCC used them;
  - d. how the tanks or vessels were closed, who closed them, their condition at closure, and;
  - e. whether there ever was any evidence that there may have been releases from the tanks.
11. Describe the constituents and amounts of the caustic bath solution used by UCC to strip the exterior paint from the gas cylinders during UCC's operations at the LCP Site. Also, identify where spent caustic bath solution was disposed and describe any releases of caustic bath solution at the Site.
12. Did UCC use cooling water in any of its processes when it was operating at the LCP Site? If so, identify:
  - a. how much cooling water was used by UCC on a daily basis,
  - b. describe each process in which the cooling water was utilized;

- c. identify any part of the process that came in contact with the cooling water;
  - d. identify how the cooling water was discharged by UCC;
  - e. identify the constituents contained in the cooling water;
  - f. identify any permits UCC obtained as a result of such discharges;
  - g. describe where the discharge originated and where it ultimately terminated.
13. Describe UCC's use of a run-off collection drum located on the leasehold where UCC operated at the LCP Site. Identify any discharges, and the constituents of such discharges, to this run-off collection drum during UCC's operations at the LCP Site, and the disposal of the contents of the drum.
14. Explain the origin of the sludge found in the run-off collection drum by UCC during the 1990/1991 ECRA investigation at the LCP Site. Identify the constituents found in the sludge in the run-off collection drum.
15. Describe UCC's use of a drywell located on the leasehold where UCC operated at the LCP Site. Also, identify any discharges, and the constituents of such discharges, to this drywell during UCC's operations at the LCP Site.
16. Identify the origin of the oil found in the drywell by UCC during the 1990/1991 ECRA investigation at the LCP Site.
17. Did UCC have any process water discharges from its operations when it was operating at the LCP Site? If so, describe:
- a. the process or processes from which the process water discharges resulted;
  - b. the constituents of such discharges;
  - c. identify any permits UCC obtained as a result of such discharges;
  - d. describe where the discharge originated and where the discharge ultimately terminated.
18. Did UCC have any wastewater discharges from its operations when it was operating at the LCP Site? If so, describe:
- a. the process or processes from which the wastewater discharges resulted;
  - b. the constituents of such discharges;
  - c. identify any permits UCC obtained as a result of such discharges;
  - d. describe where the discharge originated and where the discharge ultimately

terminated.

- e. Describe any waste water or storm water from the UCC leasehold or operations that discharged to South Branch Creek, to the ground, or to ditches on the Site.
- 
- 19. Describe any discharges by UCC into the iron pipe maintained by UCC, which, according to the terms of the Ground Lease between UCC and LCP Chemicals, ran "from the Leased Land to the existing ditch north of the Leased Land..." at the LCP Site. (See paragraph 10 of Ground Lease dated May 1, 1985.) Identify where these discharges originated and all constituents found in such discharges.
  - 20. Were the buildings in which UCC operated connected to any sewer pipes, drain pipes or drainage ditches located on the LCP Site or neighboring sites? If so, identify each building connected to a sewer pipe, drain pipe or drainage ditch and the processes or facilities located within each building that discharged to the sewer pipe, drain pipe or drainage ditch.
  - 21. Describe the location, use and decommissioning, and any releases from, the former hydrogen bladder storage tank, elevated storage pad and septic tank and leachfield located on the UCC leasehold. Provide any and all documentation with respect to such areas, including reports, regarding installation, closure, maintenance and releases.
  - 22. Describe all UCC processes that used filter media and the how the filter media worked within that process. Identify the type and amount of filter media used, its constituents and its disposal.
  - 23. Did the New Jersey Department of Environmental Protection issue any Notices of Violations (NOV) or Administrative Orders (AO), or ever assess any penalties against UCC for its operation or discharges from its operations at the LCP Site? If so, identify the basis for each NOV or AO, and the amount and basis of any penalties assessed.
  - 24. Identify each person having knowledge of the facts relating to UCC's responses to the above questions. For each person identified, provide the name, address and telephone number of that person and the basis of UCC's belief that he or she has such relevant knowledge.
  - 25. Produce all documents containing any facts relating to UCC's responses to the above questions.

## **CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

State of

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this  
day of \_\_\_\_\_, 2008

Notary Public

Frank Cardiello, DRC-NSSup

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
290 BROADWAY - 17 floor  
NEW YORK, NEW YORK 10007-1866

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300



Union Carbide Corporation  
39 Old Ridgebury Rd.  
Danbury, CT 06817

RETURN TO SENDER

No Such Person  
At This Address